

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SJUNDE AP-FONDEN, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

THE GOLDMAN SACHS GROUP, INC.,  
et al.,

Defendants.

Civil Case No. 1:18-cv-12084-VSB

**NOTICE OF MOTION AND MOTION FOR ISSUANCE OF A HAGUE CONVENTION  
REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE TO OBTAIN  
TESTIMONY OF FORMER EMPLOYEES OF GOLDMAN SACHS**

PLEASE TAKE NOTICE that Plaintiff in the above-captioned action hereby moves, pursuant to Federal Rule of Civil Procedure 28(b)(2), 28 U.S.C. §1781(b)(2), and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, reprinted in 28 U.S.C. 1781 (the “Hague Convention”), for issuance of Letters of Request, attached as Exhibits A-C to the accompanying Declaration of Andrew L. Zivitz, to the Senior Master of the Queen’s Bench Division of the High Court of England and Wales for international judicial assistance in obtaining sworn testimony from three former employees of Defendant The Goldman Sachs Group, Inc. who, upon information and belief, reside in the United Kingdom: (1) Patrick Kidney; (2) Toby Watson; and (3) Cyrus Shey.

This motion is based upon the accompanying Memorandum of Law and the Declaration of Andrew Zivitz, including all exhibits thereto.

Dated: May 9, 2022

**KESSLER TOPAZ  
MELTZER & CHECK, LLP**

s/ Andrew L. Zivitz

Andrew L. Zivitz  
Matthew L. Mustokoff  
Johnston de F. Whitman, Jr.  
Jamie M. McCall  
Margaret E. Mazzeo  
Nathan A. Hasiuk  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056  
azivitz@ktmc.com  
mmustokoff@ktmc.com  
jwhitman@ktmc.com  
jmccall@ktmc.com  
mmazzeo@ktmc.com  
nhasiuk@ktmc.com

*Lead Counsel for Sjunde AP-Fonden and the  
Class*

**BERNSTEIN LITOWITZ  
BERGER & GROSSMANN LLP**

Salvatore J. Graziano  
James M. Fee  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 554-1400  
Facsimile: (212) 554-1444  
sgraziano@blbglaw.com  
james.fee@glbglaw.com

*Liaison Counsel for the Class*